

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Continuation Application of  
Ulrich STIMMING et al.  
Parent Serial No.: 09/381,113  
Parent Filed: October 15, 1999  
For: Fuel Cell with Pulsed Anode Potential

**PRELIMINARY SUBMISSION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

S I R:

Prior to the issuance of a first Office Action, applicants wish to provide the following remarks.

Applicants note that in the final Office Action in the parent application claims 9-11 and 16 are rejected under 35 USC 102(b) over Fedkiw, et al.

Claims 12-15 and 17 are also rejected under 35 USC 103(a) over Fedkiw, et al., and further in view of applicants' admission of prior art.

Claims 9-17 are rejected under 35 USC 112, first paragraph as containing new matter.

Relative to the rejection of claims 9-17 under 35 USC 112, first paragraph, applicants have filed the present continuation-in-part application so that the subject matter found in the claims is now found in the specification.

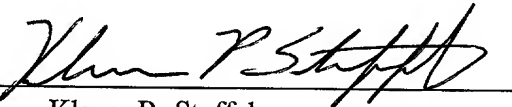
Turning now to the references, applicants respectfully submit that Fedkiw, et al. do not disclose the presently claimed invention. In Fedkiw, et al. there is a polarity change with electrolytic conditions, in other words the prior anode has a more positive potential than the prior cathode. In the presently claimed invention, on the other hand, the applied voltage is under all circumstances smaller than the cell voltage. In this way it can be insured that oxides do not build up on the anode upper surface which would result in a disruption of the catalysts. In addition, any electrolysis in which H<sub>2</sub> results on the oxygen side of the fuel cell and vice a versa is avoided.

Such a fuel cell is not disclosed or suggested by the references cited by the Examiner.

Favorable action on the present application is respectfully requested.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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